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09/848,443	05/03/2001	Nicholas Todd Lawrence	ROC920000327US1	7222

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Gero G. McClellan  
Thomason, Moser & Patterson, L.L.P.  
3040 Post Oak Boulevard, Suite 1500  
Houston, TX 77056-6582

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/848,443

Applicant(s)

LAWRENCE ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 May 2001</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-30 have been considered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claim 1, it is unclear as to the metes and bounds regarding how to handle a request asynchronously when it is a synchronous request. Examiner interprets claim 1 as a catalog server in a database management system that is unavailable and processes an asynchronous request for a unique identifier from a requesting entity.
5. Regarding claim 5, it is unclear as to the metes and bounds regarding how to determine whether the requesting entity is an operating system. Examiner interprets claim 5 as determining whether the requesting entity includes an operating system.
6. Regarding claim 6, it is unclear as to the metes and bounds regarding how to determine whether one of an operating system and the database management system are being loaded. Examiner interprets claim 6 as in claim 5.
7. Regarding claim 9, it is unclear as to the metes and bounds regarding how to determine whether one of an operating system and the database management system are being loaded. Examiner interprets claim 9 as in claim 6.
8. Regarding claim 11, it is unclear as to the metes and bounds regarding how to handle a request asynchronously when it is a synchronous request. It is further unclear as to the metes and bounds regarding how to determine whether the requesting entity has authority to use the restricted identifier. Examiner interprets claim 11 as a catalog server in a database management system that is unavailable,

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which processes an asynchronous request for a unique identifier from a requesting entity, and checks for authority.

9. Regarding claim 13, it is unclear as to the metes and bounds regarding how to determine whether one of an operating system and the database management system are being loaded. Examiner interprets claim 13 as determining whether the requesting entity includes an operating system.

10. Regarding claim 14, it is unclear as to the metes and bounds regarding how to determine whether one of an operating system and the database management system are being loaded. Examiner interprets claim 14 as in claim 13.

11. Regarding claim 16, it is unclear as to the metes and bounds regarding how to determine whether one of an operating system and the database management system are being loaded. Examiner interprets claim 16 as in claim 14.

12. Regarding claim 19, it is unclear as to the metes and bounds regarding how to handle a request asynchronously when it is a synchronous request. It is further unclear as to the metes and bounds regarding how to determine whether the requesting entity has authority to use the restricted identifier. Examiner interprets claim 19 as a catalog server in a database management system that is unavailable, which processes an asynchronous request for a unique identifier from a requesting entity, and checks for authority.

13. Regarding claim 21, it is unclear as to the metes and bounds regarding how to determine whether one of an operating system and the database management system are being loaded. Examiner interprets claim 21 as determining whether the requesting entity includes an operating system.

14. Regarding claim 22, it is unclear as to the metes and bounds regarding how to determine whether a component of a program is being loaded. Examiner interprets claim 22 as a requesting entity with a program.

15. Regarding claims 27-30, it is unclear as to the metes and bounds regarding how to determine whether the server is available to process requests and how to determine whether a synchronous request may be handled asynchronously. It is further unclear as to the metes and bounds regarding a restricted entity being authorized to access the restricted names table. Examiner interprets claims 27-30 as a

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catalog server in a database management system that is unavailable that processes an asynchronous request for a unique identifier from a requesting entity, which checks the server to see if it can process asynchronous requests.

***Claim Rejections - 35 USC § 101***

16. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

17. Claims 19-26 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

18. Regarding claims 19-26, Applicant describes only a program and fails to define a structural and functional interrelationship between the program and the computer hardware. The claims equate merely to a program per se, which does not serve a specific function, nor provide functionality to obtain any type of recited utility. Additionally, no storage medium for the data structure has been specified, e.g. embodiment on a computer-readable medium. A signal bearing medium is not necessarily a computer-readable medium, regardless of whether the program contained within said signal bearing medium is executable by a computer. Because the program is not on a computer-readable medium, it is considered non-statutory. See MPEP 2106(IB)(B)(1)(a). Even in cases where nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. Such a result would exalt form over substance. See *In re Sarkar*, 588 F.2d 1330, 1330, 200 USPQ 132, 137 (CCPA 1978). "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data, i.e. a program, such as the one claimed. Where certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional

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interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, then such descriptive material alone does not impart functionality either to the program, or to the computer. See MPEP 2106(IV)(B)(1)(b). The invention, as presently claimed, clearly recites a program without a hardware relationship allowing said program to be stored in order for said program to be executed by a computer. Examiner suggests that Applicant amend claims 19-26 to a "computer-readable medium" in order to overcome the rejection based upon 35 U.S.C. 101.

***Claim Rejections - 35 USC § 102***

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20. Claims 1-4, 7-8, 11, 17-19, 23, 25-30 rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (U.S. Patent No. 6,535,908).

21. Pertaining to claim 1, Johnson discloses a catalog server in a database management system that is unavailable [column 2, lines 1-18, where putting a message in a queue means the system is unavailable to process the request immediately] and processes an asynchronous request for a unique identifier from a requesting entity. [Column 2, lines 12-15]

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22. Pertaining to claim 2, Johnson is applied as in claim 1. Johnson further discloses accessing a data structure containing restricted names for system elements. [column 1, lines 47-52 disclose decoding blocks of incoming data in order for it to be suitable for database searching and retrieval, which Examiner considers accessing a data structure. An example request is given in column 4, lines 57-67, where TCNUMBER is a restricted name for system elements.]

23. Pertaining to claim 3, Johnson is applied as in claim 1. Johnson further discloses accessing a data structure containing restricted unique identifiers for system objects. [Column 1, lines 47-52 disclose decoding blocks of incoming data in order for it to be suitable for database searching and retrieval, which Examiner considers accessing a data structure. An example request is given in column 4, lines 57-67, where TCNUMBER is a restricted unique identifier for a system object.]

24. Pertaining to claim 4, Johnson is applied as in claim 1. Johnson further discloses accessing a data structure containing restricted names for system objects comprising at least one of triggers and constraints. [column 1, lines 47-52 disclose decoding blocks of incoming data in order for it to be suitable for database searching and retrieval, which Examiner considers accessing a data structure. An example request is given in column 4, lines 57-67, where TCNUMBER is a restricted name for system elements. Examiner considers other given parameters such as START\_DT and PRI constraints.]

25. Pertaining to claim 7, Johnson is applied as in claim 1. Johnson further discloses accessing a template [name table with unique identifiers, column 10, lines 2-5] to determine whether processing can continue [column 10, lines 8-9. Examiner considers temporary halting of processing to be an asynchronous request].

26. Pertaining to claim 8, Johnson is applied as in claim 1. Johnson further discloses accessing a template [name table with unique identifiers, column 10, lines 2-5. Examiner considers the template to have equivalent functionality to the name table.] to determine whether processing can continue [column 10, lines 8-9. Examiner considers temporary halting of processing to be an asynchronous request. The template performs the same functionality of the name table, which is checking requests and ensuring they are valid before processing the request. This functionality is present regardless of whether the unique identifiers are reserved for use by an operating system].

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27. Pertaining to claim 11, Johnson discloses a catalog server in a database management system that is unavailable [column 2, lines 1-18, where putting a message in a queue means the system is unavailable to process the request immediately] and processes an asynchronous request for a unique identifier from a requesting entity. [Column 2, lines 12-15]. The request from the entity is checked to ensure it has authority to use the restricted unique identifier [column 6, lines 6-8, where filtering the request is considered to include verifying authority to use the identifier]

28. Pertaining to claim 17, Johnson is applied as in claim 11. Johnson further discloses accessing a data structure containing a plurality of restricted unique identifiers for system elements. [Column 1, lines 47-52 disclose decoding blocks of incoming data in order for it to be suitable for database searching and retrieval, which Examiner considers accessing a data structure. An example request is given in column 4, lines 57-67, where TCNUMBER is a restricted unique identifier for system elements. Examiner considers other given parameters including OSW\_NAME and TSW\_NAME unique identifiers.]

29. Pertaining to claim 18, Johnson is applied as in claim 17. Johnson further discloses accessing a data structure containing restricted names for system objects comprising at least one of triggers and constraints. [Column 1, lines 47-52 disclose decoding blocks of incoming data in order for it to be suitable for database searching and retrieval, which Examiner considers accessing a data structure. An example request is given in column 4, lines 57-67, where TCNUMBER is a restricted name for system elements. Examiner considers other given parameters such as START\_DT and PRI constraints.]

30. Pertaining to claim 19, Johnson discloses a catalog server in a database management system that is unavailable [column 2, lines 1-18, where putting a message in a queue means the system is unavailable to process the request immediately] and processes an asynchronous request for a unique identifier from a requesting entity. [Column 2, lines 12-15]. The request from the entity is checked to ensure it has authority to use the restricted unique identifier [column 6, lines 6-8, where filtering the request is considered to include verifying authority to use the identifier]

31. Pertaining to claim 23, Johnson is applied as in claim 19. Johnson further discloses that determining whether a request is asynchronous is done by an interface. [The interface determines



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whether or not to process the request and how to handle it. Equivalent functionality is found in column 9, line 41 – column 10, line 9.]

32. Pertaining to claim 25, Johnson is applied as in claim 19. Johnson further discloses accessing a data structure containing restricted names for system elements. [Column 1, lines 47-52 disclose decoding blocks of incoming data in order for it to be suitable for database searching and retrieval, which Examiner considers accessing a data structure. An example request is given in column 4, lines 57-67, where TCNUMBER is a restricted name for system elements.]

33. Pertaining to claim 26, Johnson is applied as in claim 25. Johnson further discloses accessing a data structure containing restricted names for system objects comprising at least one of triggers and constraints. [Column 1, lines 47-52 disclose decoding blocks of incoming data in order for it to be suitable for database searching and retrieval, which Examiner considers accessing a data structure. An example request is given in column 4, lines 57-67, where TCNUMBER is a restricted name for system elements. Examiner considers other given parameters such as START\_DT and PRI constraints.]

34. Pertaining to claims 27-30, Johnson discloses a catalog server in a database management system that is unavailable [column 2, lines 1-18, where putting a message in a queue means the system is unavailable to process the request immediately] and processes an asynchronous request for a unique identifier from a requesting entity. [Column 2, lines 12-15]. The server is check to determine whether it is available to process asynchronous requests. [Column 2, lines 1-18. If there are no messages in the queue the system is able to process the asynchronous request. If there are messages in the queue, the system is busy and unable to process the request at that time. A names table is present to verify access of unique identifiers [Figure 14, item 812, templates for verification is considered a names table because the Templates for Verification are used to ensure the request is proper before proceeding. This is the equivalent functionality of the names table, which checks to see if the entity requesting the information has the proper authority to get the information before allowing it to proceed.]

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35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 5-6, 9-10, 12-16, 20-22, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Kardos et al. (U.S. Patent No. 6,430,562).

37. Johnson is applied as in claim 1. Johnson fails to disclose the requesting entity may be an operating system.

38. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

39. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously.

40. Pertaining to claim 6, Johnson is applied as in claim 1. Johnson fails to disclose the requesting entity may be an operating system.

41. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

42. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously.

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43. Pertaining to claim 9, Johnson is applied as in claim 1. Johnson fails to disclose the requesting entity may be an operating system.

44. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

45. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously

46. Pertaining to claim 10, Johnson and Kardos are applied as in claim 9. Kardos fails to disclose accessing a data structure containing a plurality of restricted unique identifiers and determining if the data structure contains a specific unique identifier.

47. Johnson discloses accessing a data structure containing a plurality of restricted unique identifiers for system elements. [column 1, lines 47-52 disclose decoding blocks of incoming data in order for it to be suitable for database searching and retrieval, which Examiner considers accessing a data structure. An example request is given in column 4, lines 57-67, where TCNUMBER is a restricted name for system elements Examiner considers other given parameters including OSW\_NAME and TSW\_NAME unique identifiers.] The data structure is checked for a specific restricted unique identifier [column 6, lines 6-7, where filtering and parsing the request is considered by Examiner to include checking for a specific restricted unique identifier].

48. Pertaining to claim 12, Johnson is applied as in claim 11. Johnson fails to disclose the requesting entity may be an operating system.

49. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

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50. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously.

51. Pertaining to claim 13, Johnson is applied as in claim 11. Johnson fails to disclose the requesting entity has an operating system present.

52. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19]. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

53. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously.

54. Pertaining to claim 14, Johnson is applied as in claim 11. Johnson fails to disclose the requesting entity has an operating system present.

55. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19]. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

56. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously.

57. Pertaining to claim 15, Johnson is applied as in claim 11. Johnson fails to disclose the requesting entity has a program present.

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58. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with a program present.]

59. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with programs to access a database asynchronously.

60. Pertaining to claim 16, Johnson is applied as in claim 11. Johnson fails to disclose the requesting entity has an operating system present.

61. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

62. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously

63. Pertaining to claim 20, Johnson is applied as in claim 19. Johnson fails to disclose the requesting entity may be an operating system.

64. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

65. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19].

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Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously.

66. Pertaining to claim 21, Johnson is applied as in claim 19. Johnson fails to disclose the requesting entity has an operating system present.

67. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

68. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously.

69. Pertaining to claim 22, Johnson is applied as in claim 19. Johnson fails to disclose the requesting entity has an operating system present.

70. Kardos discloses that the requesting entity may be an operating system [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system.]

71. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with operating systems to access a database asynchronously.

72. Pertaining to claim 24, Johnson is applied as in claim 19. Johnson fails to disclose the requesting entity may be a program.

73. Kardos discloses that the requesting entity may be a program [column 23, lines 14-19. Examiner considers applications running on networked Windows 95 or Windows NT personal computers to be requesting entities with an operating system, or a program.]

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74. Johnson states that his database system can be implemented on a network of programmable computers [Johnson, column 3, lines 40-42]. Kardos uses personal computers running programs and operating systems [programmable computers] to access databases [Kardos, column 23, lines 14-19]. Therefore it would be obvious to one of ordinary skill in the networking art at the time of the invention to use computers with programs to access a database asynchronously.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey R. Swearingen  
Examiner  
Art Unit 2145

JRS

William C. Vaughn  
Primary Examiner  
Art Unit 2145  
William C. Vaughn Jr.